

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Applicants would like to thank the Examiner for the courtesy extended during the interview of June 4, 2002. The claims have been reviewed and amended to overcome the formal objections of the Examiner and to define the invention more clearly in accordance with the description at page 3, line 29 through page 4, line 9 of the specification.

The Examiner has rejected the claims as being anticipated by or obvious in view of the Hochmair patent and the Hochmair publication. The Applicant respectfully traverses these rejections.

As disclosed in the specification and in Fig. 2, the aural receptors along the inner wall of the cochlea are positioned so that they are spaced at a distance that gradually diminishes as the receptors approach the center of the cochlea. The present invention provides an electrode array with electrodes that are spaced along the area in a similar pattern. More specifically, the electrodes are spaced to match the position of the aural receptors along the inner wall of the cochlea. In this manner, when implanted, the array can provide closer and more effective stimulation signals to the receptors.

None of the cited references disclose anything similar to this concept. Instead the Hochmair article discloses a standard electrode array formed of electrode pairs formed on opposite sides of a carrier. The electrodes of a particular pair is disposed at 1.5 mm from each other. Each pair of electrodes is spaced from the next pair by a distance of 0.5mm. (See page 47, second column) and are then used as an

electrode channel. There is nothing in the reference to show that the authors recognized or appreciated the problem addressed by the present invention. There is nothing in these reference that teaches or suggests to one skilled in the art that the electrodes have to be positioned at locations that match or line up with the locations of aural receptors. There is nothing in these reference that teaches or suggests to a person skilled in the art that the electrodes should be placed at uneven spacings.

The Hochmair patent fails to provide any teachings or suggestions to one skilled in the art that would tie the spacings of the electrodes to the positions of the aural receptors along the organ of Corti. Therefore this reference is similarly deficient.


It is respectfully submitted that the claims are patentably distinguishable over the prior art of record.

The Commissioner is authorized to use Deposit Account No. 07-1730 for any fees that may be required including fees for extensions. This is a continuing request.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
270 Madison Avenue
New York, N.Y. 10016-0601
Telephone No.: (212) 684-3900

By: _____



Tiberiu Weisz
Reg. No. 29,876